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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Jerome J. McCabe
Appln. No.: 10/760,109
Filed : January 16, 2004
For : DOUBLE-HUNG WINDOW WITH
UNIFORM WOOD INTERIOR
Docket No.: K300.12-0002

Group Art Unit: 3634

Examiner:
Jerry E. Redman

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING SENT BY
U.S. MAIL, FIRST CLASS, TO THE COMMISSIONER FOR
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450,
THIS

25th DAY OF APRIL, 2006
Jan J. Young
PATENT ATTORNEY

Sir:

This reply is submitted in response to the Office Action mailed April 13, 2006 which requires the Applicant to make an election for prosecution in the above-referenced patent application to one of three inventions. In that Restriction Requirement, restriction was made between Invention I (characterized as claims 1-18) and Invention II (characterized as claims 19-22). In the Invention I - Invention II Restriction Requirement, the Office Action stated: "In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the sliding grooves for the panel can be formed such that a majority of the groove is covered and a cover wouldn't be necessary. The subcombination has separate utility such as the cover can be used on any sliding panel system or one sliding panel and one fixed panel system having a grooved track that is desired to be covered and more specifically to be covered as to keep out debris and/or from weather."

Applicant requests reconsideration of the Restriction Requirement. Applicant's claims do not include any of the terms

referenced in the Office Action statement, such as "sliding grooves", a "panel", a "cover", a "sliding panel system", or a "grooved track." Accordingly, Applicant has been given no basis for a Restriction Requirement based upon perceived distinctions between the claims of "Invention I" and the claims of "Invention II", and therefore requests that the Restriction Requirement be withdrawn.

Given the nature of the statements in the Office Action, Applicant is in no position to make an election with or without traverse in this matter. Applicant respectfully requests reconsideration of the Restriction Requirement issued April 13, 2006.

Please direct any inquiry regarding this reply to James L. Young at my direct dial phone number, 612-330-0495.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

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